

RECEIVED  
CENTRAL FAX CENTER

JUN 12 2007

MARTIN & FERRARO, LLP  
ATTORNEYS AT LAW  
1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632Telephone  
(330) 877-0700Facsimile  
(330) 877-2030

## FACSIMILE TRANSMITTAL

## TO:

Name: Mail Stop AMENDMENT  
Group Art Unit 3772/Examiner Michael Brown

Firm: U.S. Patent &amp; Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/740,747

Gary Karlin Michelson

Filed: December 19, 2003

IMPLANT WITH LOCKING THREAD  
CONFIGURATION FOR INSERTION  
BETWEEN BONE STRUCTURES

Attorney Docket No. 102.0001-12000

Customer No. 22882

Confirmation No.: 4978

## FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 8

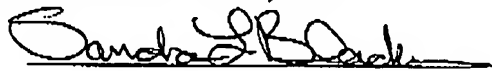
Date: June 12, 2007

Confirmation Copy to Follow: NO

## Message:

## CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate) and Reply to Office Action are being facsimile transmitted to the U.S. Patent and Trademark Office on June 12, 2007.

  
Sandra L. Blackmon

If there is a problem with this transmission please call the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.

FORM PTO-1083

PATENT  
Attorney Docket No.: 102.0001-12000  
Customer Number 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

JUN 12 2007

In re application of:

Gary Karlin Michelson

Serial No: 10/740,747

Filed: December 19, 2003

For: IMPLANT WITH LOCKING THREAD  
CONFIGURATION FOR INSERTION  
BETWEEN BONE STRUCTURES

Confirmation No.: 4978

Group Art Unit: 3772

Examiner: Michael Brown

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Reply to the Office Action of May 31, 2007 in the above-identified application.

- ☒ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.
- ☐ The total amount of \$\_\_\_\_ to cover the above fees is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO LLP

Date: June 12, 2007

By:   
Thomas H. Martin  
Registration No. 34,3831557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: 330-877-0700  
Facsimile: 330-877-2030

FORM PTO-1083

PATENT  
Attorney Docket No.: 102.0001-12000  
Customer Number 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

JUN 12 2007

In re application of:

Gary Karlin Michelson

Serial No: 10/740,747

Filed: December 19, 2003

For: IMPLANT WITH LOCKING THREAD  
CONFIGURATION FOR INSERTION  
BETWEEN BONE STRUCTURES

Confirmation No.: 4978

Group Art Unit: 3772

Examiner: Michael Brown

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Reply to the Office Action of May 31, 2007 in the above-identified application.

- ☒ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.
- ☐ The total amount of \$\_\_\_\_ to cover the above fees is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN &amp; FERRARO LLP

Date: June 12, 2007

By: 

Thomas H. Martin

Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: 330-877-0700  
Facsimile: 330-877-2030

PATENT  
Attorney Docket No. 102.0001-12000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

In re Application of: ) Confirmation No.: 4978  
Gary Karlin Michelson )  
Serial No.: 10/740,747 ) Group Art Unit: 3772  
Filed: December 19, 2003 )  
For: IMPLANT WITH LOCKING THREAD ) Examiner: Michael A. Brown  
CONFIGURATION FOR INSERTION )  
BETWEEN BONE STRUCTURES )

JUN 12 2007

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

REPLY TO OFFICE ACTION

In the Office Action dated May 31, 2007, the Examiner rejected claims 19-23 and 25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,878,915 to Brantigan ("Brantigan '915") in view of U.S. Patent No. 3,799,220 to Johnson ("Johnson"); and rejected claims 24-31 under 35 U.S.C. § 103(a) as being unpatentable over Brantigan '915 and Johnson in further view of U.S. Patent No. 4,834,757 to Brantigan. As discussed below, Applicant traverses the Examiner's rejections under 35 U.S.C. § 103(a) because the combination of Brantigan '915 and Johnson cannot be maintained.

In addition, Applicant notes that the Examiner has withdrawn claims 1 and 10-18. Note that claims 1 and 10-18 and claims 19-31 were subject to an Examiner's restriction requirement dated March 31, 2006. In a responsive communication dated April 04, 2006, Applicant provisionally elected claims 19-31 and submitted arguments traversing the Examiner's restriction requirement. In the next Office Action dated June 09, 2006 (and responsive to Applicant's communication of April 04, 2006), the Examiner was silent as to the traversal of the restriction requirement, but all of the pending claims were considered. As such, the Examiner implicitly acknowledged the

Reply to Office Action 6-12-07.doc